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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,104	04/16/2004	Norman M. Ladouceur	13210-51	7702

1059 7590 04/19/2007  
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EXAMINER
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VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/825,104

Applicant(s)

LADOUCEUR ET AL.

Examiner

Michael Vu

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2007 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama (US 2003/0078071) in view of Mullen (US 2005/0266891).

Regarding **claims 1 and 7**, Uchiyama teaches a mobile alerter for a mobile communication device (Figure #6), said mobile alerter comprising: a processor (Fig. #6,

#70); a power supply [0029-0031]; a wireless receiver to communicate with said mobile communication device (Fig. #6, Wireless Cellular Phone #6); notification hardware for triggering a notification of an incoming alert (Fig. #6, [0038-0043]); and a connection interface for removably connecting said mobile alerter to said mobile communication device (Fig. #6, [0038-0043]);

**But Uchiyama does not clearly teach on** said mobile alerter forming the notification unit of said mobile communication device such that when said mobile alerter is in a tethered mode, said mobile alerter outputs notification alerts for said mobile communication device triggered when a notification message is received from said mobile communication device by said mobile alerter via said connection interface, and when said mobile alerter is in an un-tethered mode, said mobile alerter outputs notification alerts for said mobile communication device triggered when a notification message is received from said mobile communication device by said mobile alerter via said wireless receiver.

However, Mullen teaches an alerter and/or notification devices (i.g., cellular phone, or pager) that can clip, fastening device, or attaching device, in which alerter/notification device can take form of different signals and/or messages through the connection interfaces with different notification/alert signals (i.g., incoming call, missed call, new message), and other type of notification signals such as ring tones, beeps, vibrations, light pulses, with various colors (LED), (See paragraphs [0006-0011, 0018-0029]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uchiyama, such that said mobile alerter forming the notification unit of said mobile communication device such that when said mobile alerter is in a tethered mode, said mobile alerter outputs notification alerts for said mobile communication device triggered when a notification message is received from said mobile communication device by said mobile alerter via said connection interface, and when said mobile alerter is in an un-tethered mode, said mobile alerter outputs notification alerts for said mobile communication device triggered when a notification message is received from said mobile communication device by said mobile alerter via said wireless receiver, to provide the convenience and useful when the user can not hear and/or sense the audio/vibration signals from an incoming call.

Regarding **claim 2**, Uchiyama/Mullen teach the mobile alerter of claim 1, wherein said notification hardware comprises at least one type of hardware selected from the following group: a speaker, a vibrator, and a light [0006-0011] of Mullen.

Regarding **claim 3**, Uchiyama/Mullen teach the mobile alerter of claim 1, wherein said power supply comprises a battery [0022] of Mullen.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 4-6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchiyama (US 2003/0078071).

Regarding **claim 4**, Uchiyama teaches a mobile communication device (Figure #6) comprising: a processor (Figure #6, #70); a wireless communication means to communicate with a wireless network (Cellular #6, Wireless to Network); a wireless transmitter for communication with a wireless network (Figure #4A, Antenna #42 for transmitting); a wireless receiver for communication with a wireless network (Figure #4A, Antenna #42 for receiving); a wireless transmitter for communication with a mobile alerter of claim 1 (Figure #4A, Antenna #42 for transmitting); a housing (Docking #2) with a cavity for receiving said mobile alerter (Wireless and/or Cordless Cradles #14 and #16); and a connection interface for receiving said mobile alerter (Figure #6, [0038-0043]).

Regarding **claim 5**, Uchiyama teaches the mobile communication device of claim 4, wherein the wireless communication means comprises **at least one** form of communication means selected from the following group: a voice communication means, and a data communication means [0038-0043].

Regarding **claim 6**, Uchiyama teaches the mobile communication device of claim 4, wherein the connection interface comprises **at least one** form of interface selected

from the following group: a serial interface, a parallel interface, a USB interface, a Firewire interface, and a wireless interface (Fig. 6, [0037-0043]).

Regarding **claim 9**, Uchiyama/Mullen teach the mobile communication device of claim 4, wherein the connection interface of the mobile device is located within the cavity of the housing of the mobile device, the cavity being adapted to slidably receive the mobile alerter (Figure #6, [0037-0043]).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael Vu  
Examiner

**JEAN GELIN**  
**PRIMARY EXAMINER**

